ROSEVILLE ZONING BOARD OF APPEALS

CIVIC CENTER COUNCIL CHAMBERS
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066

TUESDAY, May 18, 2010
7:00 p.m.

ROLL CALL:

PRESENT:	Mayor	John Chirkun
	Mayor Pro Tem	Robert Taylor
	Board Members	Salvatore Aiuto
		Jan Haggerty
		Frank Maisano
		Colleen McCartney
		Bill Shoemaker

ABSENT:

OTHERS PRESENT:

City Manager	Stephen Truman
City Attorney	Tim Tomlinson
City Clerk	Richard M. Steenland
Building Director	Glenn Sexton

Mayor John Chirkun called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

I. ROUTINE MATTERS

Approval of minutes of Regular Meeting held April 20, 2010.

BOARD MEMBER COLLEEN MCCARTNEY moved, BOARD MEMBER FRANK MAISANO seconded to approve minutes of the Regular Meeting held April 20, 2010.
MOTION CARRIED UNANIMOUSLY

II. OLD BUSINESS

1. **Public Hearing and Board consideration for variance to install a privacy fence less than two feet from an existing fence on the property at 29231 Senator, Ewaynia Carrington, petitioner**.

   Building Director Glenn Sexton stated that this request was tabled at the last ZBA meeting that was held on April 20, 2010, due to the fact that he wanted to meet with the two property owners regarding this request. Building Director Glenn Sexton explained to the Board Members that the two property owners are unable to come up with a compromise.

   City Clerk Richard Steenland received no correspondence.

   No one from the public wished to be heard.

BOARD MEMBER FRANK MAISANO moved, BOARD MEMBER JAN HAGGERTY seconded to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER COLLEEN MCCARTNEY moved, BOARD MEMBER ROBERT TAYLOR seconded to deny the petitioner's request for a variance due to the fact that no undue hardship, unique circumstance or practical difficulty exists, or if it does, it was directly caused by the petitioner's actions. The hardship is self-created by the petition's desire to erect a privacy fence.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMISSION TO INSTALL A PRIVACY FENCE LESS THAN TWO (2) FEET FROM AN EXISTING FENCE ON THE PROPERTY AT 29231 SENATOR, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-09-452-025 VAR. #1310

will not be in harmony with the general purpose and intent of Zoning Ordinance No. 1173 Section 134-7 A(7)(a) and will be injurious to the neighborhood or otherwise detrimental to the public welfare and therefore, is hereby denied.

MOTION CARRIED UNANIMOUSLY

III. NEW BUSINESS

1. Public Hearing and Board consideration for variance to return use of a dwelling in an R-1 (single-family residential) district to a two family structure on the property at 26704 Hollywood, Paul Hendrie, petitioner.

Building Director Glenn Sexton stated that the structure was used in the pass as a two family home. In January of 2009 the home became "red tagged". Mr. Sexton stated if a property sits vacant for more than 12 months it loses its legal non-conforming status and therefore legally it can only be used as a signal family home without a variance form the Zoning Board of Appeals. Mr. Sexton also stated that this home is in good condition and it is set up as a two family home. Mr. Sexton explained that the property has a few violations and Mr. Hendrie is well aware of these violations and he is working on correcting them.

Building Director Glenn Sexton answered the Board's questions.

Paul Hendrie, 26704 Hollywood appeared on behalf of this request and answered the Board Members questions.

City Clerk Richard Steenland received no correspondence.

No one from the public wished to be heard

BOARD MEMBER FRANK MAISANO moved, BOARD MEMBER ROBERT TAYLOR seconded to close the Public Hearing.

MOTION CARRIED UNANIMOUSLY

BOARD MEMBER BILL SHOEMAKER moved, BOARD MEMBER JAN HAGGERTY seconded to approve the variance request based upon the finding that a practical difficulty exists; being the current configuration of the home is not well suited for use as a single family home.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMISSION TO RETURN USE OF A DWELLING IN AN R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO A TWO FAMILY STRUCTURE OF THE PROPERTY AT 26704 HOLLYWOOD, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-20-103-008 VAR. #2010

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 2302-5-e and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and therefore, is hereby granted.

MOTION CARRIED UNANIMOUSLY

2. Public Hearing and Board consideration for variance to extend approvals granted July 15, 2008 to reduce the number of parking spaces to 55, erect an addition resulting in a 12' (north) side yard setback, and relocate the loading dock to the side of the building on the property at. 30750 Edison Drive, MRC Manufacturing, Lido Building Corporation, petitioner.

   Building Director Glenn Sexton stated that MRC was in front of the board on July 15, 2008 and the board approved these three variances. He explained part of the addition encroaches into a utility easement in the side yard. Mr. Sexton also explained that Mr. Distefano was required to obtain utility easement agreements with all the utility companies so that was the delay in the process. Mr. Sexton stated that as of now Mr. Distefano has obtained easement encroachment agreements from the City of Roseville and all effected utility companies and has met all the requirement set forth by the City of Roseville for construction into the easement.

   Joe Distefano, 3210 Distefano Ct, Fraser, explained his request and answered the Board's questions.

   City Clerk Richard Steenland received no correspondence

   No one from the public wished to be heard.

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to close the Public Hearing.

MOTION CARRIED UNANIMOUSLY

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER ROBERT TAYLOR seconded to approve the petitioner's request for permission for an extension of approvals granted July 15, 2008 to reduce the number of parking spaces to fifty-five (55), erect an addition resulting in a 12' (north) side yard setback and relocate the loading dock to the side of the building on the property at 30750 Edison Drive, Roseville, Michigan 48066.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMISSION FOR AN EXTENSION OF APPROVALS GRANTED JULY 15, 2008 TO REDUCE THE NUMBER OF PARKING SPACES TO 55, ERECT AN ADDITION RESULTING IN A 12' (NORTH) SIDE YARD SETBACK AND RELOCATE THE LOADING DOCK TO THE SIDE OF THE BUILDING ON THE PROPERTY AT 30750 EDISON DRIVE, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-07-228-012 VAR. #3308,3408, &3508

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 2001(e), 1800 and 2003-4 and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and therefore, is hereby granted.
MOTION CARRIED UNANIMOUSLY

HEARING OF THE PUBLIC

No one from the public wished to be heard.

V. ADJOURNMENT

BOARD MEMBER COLLEEN MCCARTNEY moved, BOARD MEMBER ROBERT TAYLOR seconded that the agenda having been acted upon, the meeting is hereby adjourned at 7:20 p.m.
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Richard M. Steenland, City Clerk